



- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: January 24, 2011
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP, City Planner
SUBJECT: Department Activity Report – December 2010 / January 2011

DEPARTMENT ACTIVITY SUMMARY – December 2010 / January 2011

Department News/Information:

PMC staff is continuing to serve in the role of code enforcement staff at the direction of the City Administrator. The PMC staff member assigned to this lead this effort is Dustin Granville. Dustin works out of PMC's Chico office, has experience with providing code enforcement services and works under the direction of Scott Friend. PMC is providing code enforcement services in the amount of eight hours per week and is undertaking all field inspections, noticing, follow-up work and citizen contact with supportive coordination and distribution tasks handled by city hall staff.

On-Site Contract Staff Days/ Agency Meetings:

- Tuesday, December 21st – Code enforcement site visit/planning staff hours
- Wednesday, January 5th – Code enforcement site visit
- Monday, January 24th – Regular City Council Meeting

Major Projects Activity Report:

1. *General Plan 2035 Update:*
PMC is continuing to make progress in the preparation of the draft Biggs 2035 General Plan Elements. It is anticipated that draft versions of the Elements will be provided to the City in the Spring of 2011 for review and discussion.

Monthly Department Activity Report:

2. *Site Plan Reviews / Planning Services Activities:*
Planning staff have engaged in the following current planning activities during this reporting period:
 - *Site Plan Reviews/Approvals:* (1) – 429 B Street (*Preliminary Site Plan Only*) (Nevins)¹
 - *Fence Permit Approvals:* (0)

- *Citizen Phone Calls/Inquiries:* (5) – Building Permit inquiries (3); zoning verification request (1); request for setback information (1)
- *Planning/Code Enforcement Code Violation Notice Summary:*
 - 21 code violation letters mailed;
 - 50+ refuse container hangers distributed;
 - 14 second notices mailed;
 - 6 Follow-up 'Thank you' notices mailed.

1) Nevins – 429 B Street: A preliminary site plan was submitted for staff comment and input for the construction of a shade pergola located towards the rear of the lot and for the installation of an on-site business identification sign to be located at the corner of B Street and Fourth Street.

3. *Butte County Building Permit Issuance Co-ordination:*

Building Permit Activity Reporting Period– mid-December 2010 to time of report preparation:

- One (1) permit reported as being issued for new HVAC/Heater installation

4. *Biggs Municipal Code Amendment – Article 6 Public Health and Safety:*

Planning staff has been providing off-site support to the City Administrator regarding the review of the proposed Nuisance Code revisions by the City Council sub-committee. Planning staff prepared legal notice advertisement and CEQA Notice of Exemption supporting potential future Council action.

5. *North Biggs Estates / CHIP Proposal to City of Biggs:*

The City Administrator and City Planner met with representatives from the Community Housing Improvement Program (CHIP) on Monday, January 10th to discuss future CHIP plans for the construction of homes at the North Biggs Estates project and to explore potential options for a partnership between CHIP and the City of Biggs in the pursuit of a federal Grant for housing and economic development purposes. At this time, city staff and staff from CHIP are exploring the options associated with this potential grant and will provide details to the Council on this as they become available. Staff will provide Council with a verbal update about the current status of this effort at the meeting on January 24th.

6. *Biggs-Gridley Trail Project Grant Application:*

Planning staff is exploring the feasibility and cost of pursuing funding through the Caltrans Bicycle Transportation Account (BTA) program for the submittal of a multi-party application for a bike path / multi-use trail between the Cities of Biggs and Gridley. To date, staff has received positive feedback from BCAG, Butte County and the City of Gridley for a potential project. Applications are due in March of 2011 for the 2011-2012 BTA application cycle.

7. *Landscape Irrigation Code Amendment:*

Pursuant to the requirements of AB1881 – the "Water Conservation in Landscaping Act of 2006", staff is finalizing a water efficient landscape irrigation ordinance for consideration by the City Council in February or March of 2011. At this time, the City of Biggs is operating under the model ordinance prepared by the State. Adoption of a local ordinance will allow for a more streamlined review process for both applicants and City staff, will establish City specific water use standards reflective of the local area rainfall and soils conditions and will

minimize the requirements made on project applicants to demonstrate compliance.

Code Enforcement Summary Report:

Acting as temporary code enforcement staff, PMC has issued 21 violations since December 20th. During inspections of the City on December 21 and January 5, previous violations were re-verified, with 6 violations having been noted as being abated. Seven additional significant violations were documented and are being pursued with notices of violation. Fourteen second notices have been sent out as of the week of January 10-14th.

Progress has been made in several notable code enforcement cases around town. Specifically, long-standing nuisances are in the process of being addressed at the Burke-Trent house at 3069 8th Street and the old gas station at 498 B Street. Both structures are in the process of being painted and secured against entry. Additionally, PMC staff have been in contact with the owner of 2997 Eighth Street regarding issues at the site needing to be addressed.

Further, at the request of City Administrator, PMC has continued to place notices on non-compliant trash containers (over 30 notice hangers have been placed since January 3rd) for location, non-removal from the public right-of-way, condition of trash containers and overflowing waste issues. Staff believes that this notice campaign has raised the consciousness level of this issue and has begun to be effective in reducing the number of containers left on the street and/or overflowing. PMC will continue to post trash container notices as violations are encountered.

At this time, PMC will continue with bi-weekly site visits and violation notices, as well as pursuit of continued violations. PMC will also be revisiting violation notice letter templates and will be instituting a project spreadsheet for easier staff tracking of violations and abatement status.

Attachments:

- None

CITY OF BIGGS
PLANNING STAFF REPORT

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5447
FAX: (530) 868-1124

TO: Honorable Mayor and Members of the City Council

DATE: January 24, 2011

FROM: Scott Friend, AICP, City Planner

THROUGH: Pete Carr, City Administrator / Greg Einhorn, City Attorney

SUBJECT: 3069 Eighth Street (Burke-Trent) – Code Enforcement Case#07-2010BLDCOND:
Status Update

SUMMARY

On October 19, 2010, the City of Biggs Code Enforcement Officer entered into a formal code enforcement Abatement Agreement, pursuant to the recommendation of the City Council, with Ms. Eileen Burke-Trent, the owner of the property located at 3069 Eighth Street (APN 001-173-006). The Agreement sets-forth a description of the code violations on the property, establishes a list of tasks and accomplishments necessary to abate the described code violations and set forth a time line for the completion of the task (see **Attachment A**). Specifically, the Agreement extended the period of time for the abatement of the violations on the property and directed that all fines resulting from the violations on the property be placed in abeyance pending the successful abatement of the violations on the property. The term of Agreement totaled 75 days during the period starting on October 19, 2010 and terminating on January 3, 2011. The term of the agreement has now ended and staff is seeking to update the Council on the current disposition of the case and to get direction from the Council on how to proceed at this time.

BACKGROUND / DISCUSSION

As outlined above, the City of Biggs Code Enforcement Officer, Erin Dougherty, entered into a nuisance Abatement Agreement with Ms. Eileen Burke-Trent, the owner of the property located at 3069 Eighth Street, on October 19, 2010 after a prolonged period of non-compliance on the part of the property owner with the City's code violation notices. Starting in 2009 and continuing on both a formal and informal basis until July of 2010, when the City issued a second *Notice to Abate a Public Nuisance*, as required by the provisions of Title 6 – Public Health and Safety, Chapter 6.25 Health and Safety Nuisance Abatement, the City has attempted to work with the owners of the property to address chronic and on-going code enforcement violations on the property. The term of the nuisance Abatement Agreement signed by both parties was 75-days and ended on January 3, 2011. Pursuant to the terms of the agreement, the property owner was to have completed the following tasks by the end of the Agreement term:

- Remove all junk, debris, rubbish, equipment, vehicle parts, scrap metal, yard clippings, household equipment, and other equipment not otherwise properly stored and/or screened in a manner allowed by the Biggs Municipal Code.
- Vegetation maintenance activities shall be undertaken such that all vegetation shall be made to be in conformance with the Biggs Municipal Code.
- Any and all hazardous materials shall be removed from the site in compliance with State, county and local requirements for removal and disposal.
- All building to be secured, awnings to be made structurally sound, and foundation to be secured.

As of the time of the writing of this report, the applicant has made an effort to comply with the terms of the Agreement but has not completed the task. Staff would note that vegetative debris has been removed from the site, weeds and vegetation have been cut and/or removed, a portion of a dilapidated out-building has been removed from the site, trash and debris have been removed and efforts have been made to secure the foundation openings of the main structure on the site. While this represents a significant step forward towards addressing the noted violations, the property is not yet in a condition that would give rise to a determination of compliance.

STAFF RECOMMENDATION

Staff is recommending that the Council direct staff to move forward with the placement of a lien in the amount of the accrued fines on the property (\$850) and in an amount necessary to cover the City's costs associated with the additional items noted below (building condition inspection and any and all staff time related to future code enforcement and legal action) and to continue to work with the property owner for a period of sixty (60) additional days to complete the abatement of the violations on the property. Further, staff is recommending that if all abatement activities are not completed within the additional sixty (60) day period (starting retro-actively on January 3, 2011), the Council direct staff to contract with the Butte County Building Official to inspect the structure for structural issues and make a determination of habitability and to concurrently file a legal action with the Butte County Superior Court compelling the owner to complete the nuisance abatement tasks outlined in the Agreement.

- Attachment A – Signed nuisance Abatement Agreement
- Attachment B- Site Condition Photos (provided separately)



City of Biggs - Dept. of Planning
465 C Street / P.O. Box 1134
Biggs, CA 95917
(530) 868-5447

AGREEMENT TO ABATE A NUISANCE

Code Compliance Case: 07-2010 BLDCOND

THIS AGREEMENT is entered into between the **CITY OF BIGGS**, through Erin Dougherty, Code Enforcement Officer (**City**) and Eileen Burke-Trent, (**Owner/Authorized Representative**), concerning code enforcement case 07-2010 BLDCOND pertaining to property located at and described as 3069 Eighth Street (APN 001-173-006) in the City of Biggs.

Section 1

Description of Nuisance

Eileen Burke-Trent (jointly and/or singularly) is the owner and/or authorized representative of the property described above on which a public nuisance has been determined to exist in violation of the Biggs Municipal Code. Pursuant to the *Notice of Intent to Abate a Public Nuisance* letter dated July 9, 2010, the following nuisance conditions were noted to be in existence on the subject property:

The City of Biggs has determined that a public nuisance exists at the above noted property. *Title 6 – Health and Safety, Chapter 6.027, Neighborhood Nuisance Abatement Chapter 6.025, Health and Safety Nuisance Abatement and Title 6 – Health and Safety, Chapter 6.025, Health and Safety Nuisance Abatement*, prohibit the accumulation of abandoned, discarded, or dilapidated objects which constitutes a threat to the general public's health, safety and welfare, including but not limited to: junk; abandoned, wrecked, dismantled or inoperative vehicles; vehicle parts and equipment; machine parts, scrap metal, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, scrap wood, plant cuttings, rubbish and debris.

Section 2

Description of Time Extension Agreement and Conditions

The City has expended significant time and resources in seeking abatement by owner. Despite some effort, the nuisance remains such that a fine has been imposed. The City of Biggs has been presented with a request by the owner/authorized representative of the property for an extension of time within which to abate an identified public nuisance and City Code Violations. *Pursuant to this request, the City Council of the City of Biggs has authorized an extension of the time to abate the public nuisance conditions beginning on **Tuesday, October 19, 2010** and ending on Monday, January 3, 2011.* Based on the owners' non-response to staffs request for affirmation time specified is sufficient to abate this nuisance. Additionally, the City Council has directed that all fines set to accrue in the period between Monday, September 20, 2010 and Monday, January 3, 2011 shall be held in abeyance pending the successful abatement of the property pursuant to this agreement. In exchange for the City's extension of time, the owner agrees to abate the nuisances pursuant to the terms and conditions set-forth below. If the full and complete abatement of the nuisance conditions on the property have not been completed by the date of **January 3, 2011**, then all fines scheduled to accrue to the property from September 20, 2010 to January 3, 2011 from the non-abatement of the nuisance condition shall be made applicable to the property, and further enforcement actions as prescribed by the City Code will ensue. During the period of time from October 18, 2010 to January 3, 2011, the owner/authorized representative shall provide to the City, weekly correspondence (verbal, email or written correspondence) briefly documenting what activities have been undertaken that week and what effort has been pursued. The CITY Code Enforcement Officer shall make periodic inspections of the property during this time and shall provide feedback to the owner/authorized agent on progress based upon the weekly progress reports and inspections.

Section 3

Description of Nuisance Abatement Actions

The owner or authorized representative shall abate the violations of City Code described above by the following acts:

1. *Removal of all junk, debris, rubbish, equipment, vehicle parts, scrap materials, yard clippings, household equipment and containers not otherwise stored and/or screened in a manner allowed by the Biggs Municipal Code.*

2. *Vegetation maintenance activities shall be undertaken such that all vegetation shall be made to be in conformance with the Biggs Municipal Code.*
3. *Any and all hazardous materials shall be removed from the site in compliance with State, county and local requirements for removal and disposal.*
4. *All buildings to be secured, awnings to be made structurally sound, foundation to be secured.*

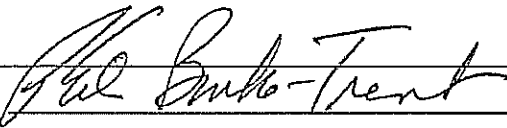
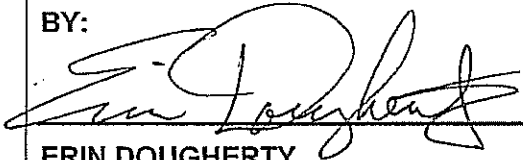
It is noted herein that nothing in the above described nuisance abatement actions included as part of this agreement, requires alterations to the physical structures on the site nor relate to the existing condition of physical infrastructure or utility services. City codes related to structures may be address and enforced separately.

The CITY and property owner/representative agree that ALL of the above described nuisance abatement actions necessary to eliminate the public nuisance conditions existing on the site shall be completed to the satisfaction of the CITY ***NO LATER THAN January 3 2011***. Time is of the essence with respect to performance by the property owner/representative.

Should the property owner/representative fail to timely abate the nuisance as described above, the owner/representative shall be jointly and individually liable to the CITY for the payment of all costs for abatement of the above-described property constituting the nuisance as well as all administrative costs (CITY staff time, attorney fees, legal costs and all other related expenses) associated with the removal and disposal of the above-described property.

Additionally, as further consideration of the Agreement, property owner/representative grants to the CITY the right to enter upon the above-described property to abate the nuisance pursuant to this action. By entering into this agreement, the parties participating in this agreement warrant to the CITY that they are the legal owners of the subject property or are authorized to enter into an agreement on behalf of the property as outlined in this agreement.

IN WITNESS WHEREOF, the parties have executed the AGREEMENT on the date set forth below:

OWNER/REPRESENTATIVE:	
DATED: <u>10-19-10</u>	Eileen Burke-Trent
CITY OF BIGGS:	BY: 
DATED: <u>10-19-10</u>	ERIN DOUGHERTY CODE ENFORCEMENT OFFICER



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: January 24, 2010 6:00PM

DATE: January 14, 2011
TO: Honorable Mayor and Members of the City Council
FROM: Pete Carr, City Administrator
SUBJECT: Contract Code Enforcement Services (Action - Approval)

City administrator requests approval of contract services agreement for Pacific Municipal Consultants (PMC) to provide code enforcement service.

Background

The City's code enforcement function has been handled in-house for years. With recent staffing changes, PMC was invited to act temporarily in this capacity. PMC has proven itself capable and effective in this function.

Key terms to this engagement are that it is "on an as-needed basis as directed by the city... not-to-exceed \$13,950 for a period of 6 months... for an average of 8 hours per week." This service includes site inspections, preparation and issuance of notices and administrative citations, follow-up on active cases, documentation and reporting.

Attachment: Letter Proposal from PMC.

Recommendation

Approve the PMC code enforcement services proposal and authorize city administrator to execute the agreement.

Fiscal Impact

Up to \$13,950 more than offset by reductions in staff compensation expenses.



January 14, 2011

Peter R. Carr, City Administrator
CITY OF BIGGS
465 C Street
Biggs, CA 95917

**RE: PROPOSAL AND STATEMENT OF QUALIFICATIONS TO PROVIDE CODE
ENFORCEMENT SERVICES**

Dear Pete:

On behalf of Pacific Municipal Consultants (PMC), I appreciate the opportunity to submit this Letter Proposal to provide temporary code enforcement services. This proposal is based upon our recent conversations on this matter and is intended to reflect a continuation of the approach currently being utilized by PMC and the City to provide this service. This proposal provides a brief overview of our understanding of the project, provides an overview of the qualifications of our assigned personnel, and provides PMC's fee proposal for this effort.

Please let me know if you need any additional information, or have questions regarding this proposal. Once again, thank you for the opportunity to provide this proposal to the City. Please feel free to give me a call at 530-894-3469 ext. 13214 if you have any questions or need any additional information.

Sincerely,

Scott Friend, AICP
Senior Associate

PROJECT UNDERSTANDING / SCOPE OF WORK

PMC understands that the City seeks immediate assistance in the provision of public health and safety code (BMC Title 6) enforcement services. PMC understands that the provision of this service is temporary in nature and may continue through the end of the current fiscal year, or until the City more permanently fills this service need. For the purposes of this effort, the assigned PMC staff member would function in the capacity of the City's Code Enforcement Officer and would be responsible for tasks to include inspections, violation noticing, direct and in-direct outreach and resident contact, abatement verifications and project administration tasks. PMC's assigned staff member would work with city hall staff on tasks to include coordinating ownership information and addressing and the City would handle all standard notice mailing and/or distribution tasks. PMC staff will utilize a City vehicle for inspections and field-work for this effort.

FEE PROPOSAL

PMC proposes a time-and-materials contract with work undertaken on an 'as needed' basis as directed by the City Administrator. PMC proposes a not-to-exceed contract in the amount of \$13,950 for a period of six (6) months. This contract amount and term is based upon having an Associate Planner available to the City for this task at a rate of \$70 per hours, which is consistent with the rate established in PMC existing on-call services contract with the City, for an average of 8-hours per week through the end of the 2010-2011 fiscal year.

PERSONNEL

To ensure continuity of service, we propose to assign Nathan Anderson and/or Dustin Granville as the primary staff members assigned to this effort. Both Mr. Anderson and Mr. Granville work out of PMC's Chico office and under the direction of Scott Friend, Senior Associate in PMC's Chico office.

Nathan Anderson – Associate Planner. Mr. Anderson is an Associate Planner in PMC's Chico office. Mr. Anderson has been with PMC since 2004. In his time with PMC, Mr. Anderson's work experience has focused primarily on current planning and related environmental projects, and has included work in multiple Northern California cities and counties. Mr. Anderson has served in the role of contract staff support for several jurisdictions, including the Cities of Biggs, Orland, Yuba City, and Oroville. Responsibilities for those jurisdictions included the processing of current planning applications, including rezones, tentative maps and conditional use permits, as well as the preparation of project-level IS/MNDs. Mr. Anderson has also served as off-site contract staff support for numerous jurisdictions, including the counties of Plumas, Lassen, and Butte. Mr. Anderson has assisted in the preparation and completion of three Initial Study/Mitigated Negative Declaration projects in the Town of Paradise on behalf of the Town.

Dustin Granville, Associate Planner. Mr. Granville is an Associate Planner in PMC's Chico office. His work experience includes several land use planning, environmental, and impact study projects for multiple local jurisdictions in Northern California. Recent experience includes the Orland General Plan and EIR, contract staff planner for the City of Biggs, and the Las Plumas Master Environmental Assessment. Previously, Mr. Granville assisted the Counties of Butte and Plumas in multiple Mitigated Negative Declarations. In 2007, Mr. Granville became a LEED Accredited Professional. He has also completed a certificate program in Geographic Information Systems (GIS) and Cartography, which he employs in spatial analysis and the production of electronic and hardcopy maps. As an intern for the City of Live Oak in 2005, Mr. Granville provided the City with code enforcement services including site visits, letter preparation, and database creation and management. Currently, Mr. Granville is focusing on land use and transportation planning in pursuit of his M.A. in Planning and Environmental Policy.